

Civil Action No. 5:24-cv-481-FL

Plaintiff,

V.

Defendants.

R. 26(f) REPORT AND PLAN

In support of this Motion, the State Board states the following:

1. Plaintiff filed her verified complaint on August 22, 2024. [D.E. 1, 2].

2. Following consultation with the Court and between the parties [D.E. 50], all defendants filed motions to dismiss on October 18, 2024 [D.E. 53, 55, 58], which were denied in part and granted in part by the Court on March 28, 2025 [D.E. 74].

3. On April 10, 2025 and on April 11, 2025, the Defendants filed answers to Plaintiff's complaint. [D.E. 77, 78, 79].

4. On April 14, 2025, the Court issued an Initial Order Regarding Planning and Scheduling, which called for the parties to conduct a Rule 26(f) conference on or before 21 days

after the entry of the Order (May 5, 2025), and to submit a Joint Report and Plan pursuant to Rule 26(f) on or before 14 days after the Rule 26(f) conference is conducted.

5. The parties duly met and conferred on May 5, 2025 as required and have been diligently working towards a final Rule 26(f) report. Pursuant to the scheduling Order, the Rule 26(f) report is due to be filed with the Court on or before May 19, 2025.

6. State Board Defendants hereby request a twenty-one day extension of the deadline within which to file the Rule 26(f) Report based upon recent changes at the State Board and the need for undersigned counsel to consult with the State Board.

7. Specifically, on April 30, 2025, the terms of the prior members of the State Board expired. *See* N.C.G.S. § 163-19(b). On May 7, 2025, at a meeting of the State Board, the new State Board members were sworn into office.¹ The new State Board includes three prior members and two new members. *Id.* Once seated, the State Board elected a new Chair and new Secretary. *Id.* The State Board also appointed a new Executive Director to start on May 15, 2025. *Id.*

8. Good cause exists to grant the instant request. As a result of these recent appointments, undersigned counsel has not yet had the opportunity to consult with the State Board about the specifics of this case or the proposed report and plan as discussed by the parties. It is respectfully submitted that a twenty-one day extension will provide sufficient time to allow this to occur and will cause no prejudice to any parties.

9. This is the first request for an extension of the deadline to file the R. 26(f) report.

10. This motion is being made within the current deadline and is not being made for

¹ *See* State Board's May 7, 2025, Press Release, "New State Board Sworn In, Chairman Elected, Executive Director Appointed," found on the State Board's website: <https://www.ncsbe.gov/news/press-releases/2025/05/07/new-state-board-sworn-chairman-elected-executive-director-appointed>, last visited May 15, 2025.

any improper purpose.

11. Undersigned counsel consulted with counsel for Plaintiffs and the other Defendants to explain the State Board's need for additional time as requested in this motion. All parties consent to the requested relief.

WHEREFORE, State Board Defendants respectfully request that the Court enter an order extending the time for the parties to file the Rule 26(f) Joint Report and Plan by twenty-one days, from May 19, 2025 to June 9, 2025.

Respectfully submitted this the 15th day of May, 2025.

**NORTH CAROLINA
DEPARTMENT OF JUSTICE**

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